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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,406	08/30/2001	Sai Fai Chan	P/3987-6	8251
2352	7590	08/03/2004	EXAMINER	
OSTROLENK FABER GERB & SOFFEN			CREPEAU, JONATHAN	
1180 AVENUE OF THE AMERICAS			ART UNIT	PAPER NUMBER
NEW YORK, NY 100368403			1746	

DATE MAILED: 08/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/943,406	CHAN, SAI FAI
	Examiner	Art Unit
	Jonathan S. Crepeau	1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 19 May 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11, 14-27, 29-32 and 34 is pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-11, 14-27, 29-32 and 34 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Response to Amendment

1. This Office action addresses claims 1-11, 14-27, 29-32, and 34. The claims remain rejected under 35 USC §102 over the Saida reference for the reasons of record. As such, this action is made final.

Claim Rejections - 35 USC § 102

2. Claims 1-11, 14-27, 29-32, and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Saida (U.S. Patent 5,607,795). Regarding claims 1 and 15, the reference teaches a battery holder comprising a contact (3) (see Fig. 1). The contact comprises a substantially straight torsional region (i.e., the flat section at the top of the "M" shape), a restraining leg (33) extending from one end of the torsional region, and a battery terminal contact region (31) extending from the other end of the torsional region (see Fig. 1). Regarding claims 1, 2, 14 18, and 29, the battery terminal contact region is torsionally and resiliently rotatable relative to the restraining leg. Regarding claims 3, 4, 19, and 20, the restraining leg has a straight portion (33). Regarding claims 5, 6, 21, and 22, the restraining leg also has a non-linear bend portion (see Fig. 1). Regarding claims 7, 8, 23, and 24, the restraining leg is capable of functioning as a battery terminal contact point and a PCB terminal contact point (see col. 3, line 38). Regarding claims 9, 10, 25, and 26, the battery terminal contact region is non-linear and includes a bend (i.e., the dip in the "M" shape) (see Fig. 1). Regarding claims 11 and 27, the battery contact region

includes a straight section extending from the torsional region and a curved section intermediate the straight section and the distal end of the wire (see Fig. 1). Regarding claims 14 and 34, the battery terminal contact region and the restraining leg extend transverse from the torsional region. Regarding claim 16, the restraining leg is located against a region of the battery receiving member (21) (see Fig. 2A). Regarding claim 17, the restraining leg and the battery contact region each include a distal end of the wire. Regarding claim 30, the transitions between the torsional region and the restraining leg and the torsional region and the battery contact region are defined by bends (see Fig. 1). Regarding claim 31, the battery contact region protrudes through a hole (22) in the wall of the battery holder (see Fig. 1). Regarding claim 32, the torsional region and the restraining leg are translationally fixed relative to the holder and the terminal contact region is rotationally displaceable relative to the holder.

Thus, the instant claims are anticipated.

Response to Arguments

3. Applicant's arguments filed May 19, 2004 have been fully considered but they are not persuasive. Applicants state that "Saida simply does not disclose 'a battery terminal contact region extending from the torsional region only at said first end of said torsional region,' as recited in claims 1 and 15." However, it is respectfully submitted that Saida does in fact teach such a limitation. First, it is noted that the "torsional region" of Saida may be defined as only *one* of the straight regions at the top of the "M" shape. As such, the torsional region would

comprise first and second ends, with the restraining leg connected at one end, and the rest of the contact, which may be defined as a “battery contact region,” connected at the other end.

Alternatively, the contact of Saida may be viewed as comprising two distinct torsional regions, both at the top of the “M” shape as noted above. The regions would each have a restraining leg connected at one end and a terminal contact region connected at the other end. The terminal contact regions are joined so as to form a singular member. It is submitted that the instant claims do not contain language precluding the presence of two distinct torsional regions, which are connected by a single terminal contact region, as is the case in the Saida reference. Figures 5 and 6 of the instant application are particularly noted as showing embodiments having two distinct torsional regions. As such, it is believed that the Saida reference remains properly applicable to the instant claims.

Conclusion

4. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Crepeau whose telephone number is (571) 272-1299. The examiner can normally be reached Monday-Friday from 9:30 AM - 6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr, can be reached at (571) 272-1414. The phone number for the organization where this application or proceeding is assigned is (571) 272-1700. Documents may be faxed to the central fax server at (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jonathan Crepeau
Patent Examiner
Art Unit 1746
July 30, 2004